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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.       |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/775,816   | 02/10/2004  | Axel Knauff          | KNAUFF-6                | 8165                   |
| 20151 7590 05/22/2007<br>HENRY M FEIEREISEN, LLC<br>350 FIFTH AVENUE<br>SUITE 4714<br>NEW YORK, NY 10118 |             |                      | EXAMINER<br>LAM, THANH  |                        |
|  |             |                      | ART UNIT<br>2834        | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>05/22/2007 | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/775,816

Applicant(s)

KNAUFF, AXEL

Examiner

Thanh Lam

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 3/02/07. These drawings are not accepted as a new matter (permanent magnet).

### ***Response to Arguments***

Applicant's traversed on the ground of 112, first paragraph that a person skilled in the art is well aware of the possibility to provide a rotor with permanent magnets, whereby the disposition of the permanent magnets can be provided in various ways...

It is not persuasive because the rotor has many forms/types of rotor such as squirrel cage rotor normally has bar windings or coils, or reluctance rotor those are not require to having permanent magnets, thus, the amended added features "permanent magnet" would be new matters and do not support by the original specification.

Therefore, the 112 first paragraph rejection is sustained.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Permanent magnets".

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ottersbach (US 4914329).

Regarding claim 1, discloses an electric machine, comprising: a housing (H) having an interior space; a stator (S) supported by the housing and having a winding (W) arranged in the and interior space a temperature radiation detector (col. 2, Ins 43-48) secured to an interior wall of the housing separate and at a distance to the winding for contactless (col. 2, Ins 44-46, P comprising sensor installed adjacent the stator windings) determination and/or measurement of heat radiating from the winding for ascertaining an absolute temperature.

2. Claims 11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (US 6548981).

Regarding claims 11 and 16, Ishii et al. disclose an electric machine, comprising: a housing (4) having an interior space; a stator (10) supported by the housing; a rotor (9) mounted on a shaft and arranged in the interior space at a spacing to the stator, said rotor having permanent magnets (25 or 8); and a temperature radiation detector (29) secured to an interior wall of the housing separate and at a distance to the rotor for

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contactless determination and/or measurement of heat radiating from the permanent magnets for ascertaining an absolute temperature.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottersback in view of Cho et al. (US 6346810).

Regarding claims 4, and 10, Ottersbach discloses all the aspect of the claimed invention except for the radiation detector includes an infrared measuring system.

Cho et al. disclose the radiation detector includes an infrared measuring system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the detector of Ottersback to accommodate the infrared measuring system as taught by Cho et al. in order to provide the detector with less noise (col. 1, Ins. 42-45).

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottersback in view of Bower et al. (US 6529135).

Regarding claims 5,8, Ottersback discloses all the aspect of the claimed invention except for an evaluation device (2) receiving information from the temperature radiation detector at predetermined time instances for establishing a thermographic image and a fan (33) for cooling the winding (4) said evaluation device controlling

operation of the fan in response to the information inputted from the temperature radiation detector.

Bower et al. disclose the exception set forth above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the temperature radiation detector adopt the an evaluation device and a fan as taught by Bower et al. in order to improve the operational of motor without over heat of the winding.

6. Claims 12,15,17,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. as applied to claim 11 and 16 in view of Cho et al. (US 6346810).

Regarding claims 12,15,17,20, Ishii et al. disclose all the aspect of the claimed invention except for the radiation detector includes an infrared measuring system.

Cho et al. disclose the radiation detector includes an infrared measuring system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the detector of Ishii et al. to accommodate the infrared measuring system as taught by Cho et al. in order to provide the detector with less noise (col. 1, Ins. 42-45).

7. Claims 13-14,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. in view of Bower et al. (US 6529135)

Regarding claims 13-14,18-19 Ishii et al. disclose all the aspect of the claimed invention except for an evaluation device (2) receiving information from the temperature radiation detector at predetermined time instances for establishing a thermographic image and a fan (33) for cooling the winding (4) said evaluation device controlling

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operation of the fan in response to the information inputted from the temperature radiation detector.

Bower et al. disclose the exception set forth above.


It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the temperature radiation detector adopt the an evaluation device and a fan as taught by Bower et al. in order to improve the operational of motor without over heat of the winding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (571) 272-2026. The examiner can normally be reached on tu-th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thanh Lam  
Primary Examiner  
Art Unit 2834

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